

## DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



June 2, 1994

ALL-COUNTY LETTER NO. 94-43

TO: ALL COUNTY WELFARE DIRECTORS  
ALL PUBLIC AND PRIVATE ADOPTION  
AGENCIES  
CDSS ADOPTIONS DISTRICT OFFICES

## REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☒ Federal Law or Regulation  
Change (reinterpretation)
- ☐ Court Order or Settlement  
Agreement
- ☐ Clarification Requested by  
One or More Counties
- ☐ Initiated by CDSS

SUBJECT: ADOPTION ASSISTANCE PROGRAM AND TITLE IV-E LINKAGE

REFERENCE: ALL COUNTY LETTER NO. 94-17

All-County Letter No. 94-17 dated February 25, 1994, provided new information regarding the correct determination of federal (Title IV-E) eligibility for Adoption Assistance Program (AAP) benefits. In brief, California has been treating a substantial number of children who were adopted by caretaker relatives as being eligible only for the state AAP program when the children are, in fact, eligible for the federal program.

All-County Letter No. 94-17 instructed counties to modify the federal eligibility determination process to assure that the federal eligibility status of all new AAP cases is correctly determined. The letter also explained the steps that counties and adoption agencies could take to reclassify existing cases, but it did not require such reclassification.

After discussion with the Legislature and the County Welfare Directors' Association, the department has determined that county welfare departments, in cooperation with adoption agencies, shall review all existing AAP cases which are assumed not to be federally eligible to identify those cases which are incorrectly classified. This review is to be completed by September 30, 1994.


The costs of this review are to be charged to the Adoption Assistance Program (Program Code 230). To the extent that these additional activities cause a county to exceed their Small Programs Block Grant allocation, an adjustment will be made at year-end from available surplus funds.

The review process involves determining whether each child was adopted by a caretaker relative and, if the child was adopted by a caretaker relative, determining whether the child was eligible for federal AFDC-FG or U at the time the petition to adopt was filed. The AFDC-FG or U eligibility shall be documented in the adoption agency AAP case record and the county eligibility case record using the "Federal Eligibility Certification for Adoption Assistance Program" (FC 8) and "Federal Eligibility Information for Adoption Assistance Program" (FC 9) forms as described in ACL 94-17.

Any reclassification would affect both future payments and any payments made in the eighteen months prior to the quarter in which the reclassification and claim adjustment occurs. When cases are reclassified as federal cases, families who live outside of California must be informed of the change and of the fact that the child is eligible for Medicaid in the state of residence.

The California Department of Social Services has determined that this change in policy meets the criteria for waiving the nine-month claiming limitation. Subject to eighteen months after the end of the calendar quarter in which costs were paid, prior claims are adjusted by using line 9 of the "Summary Report of Assistance Expenditures - Adoption Assistance Program Non Federal" (AD 800B) and line 9 of the "Summary Report of Assistance Expenditures - Adoption Assistance Program/Federal" (AD 800A).

If you have any question concerning Adoptions Assistance Program eligibility determination, please contact Joseph Magruder, Adoptions Policy Consultant at (916) 323-0524 (Calnet 473-0524). If you have questions concerning the assistance claiming process, please contact Stephanie Davis of the Fiscal Policy and Procedures Bureau at (916) 654-0942 (Calnet 464-0942).

  
MARJORIE KELLY  
Deputy Director  
Children and Family Services

c: CWDA  
DHHS, Region IX, Attn: Elaine Ng